

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

J. T. BIRSTON,

Plaintiff

VS.

T. PRIMUS, *et al.*,

Defendants

NO. 5:07-CV-68 (HL)

**PROCEEDINGS UNDER 42 U.S.C. §1983
BEFORE THE U. S. MAGISTRATE JUDGE**

RECOMMENDATION

On November 6, 2007, the undersigned issued an ORDER directing plaintiff J. T. BIRSTON to SHOW CAUSE why his case should not be dismissed for failure to diligently prosecute his case, specifically citing the plaintiff's failure to advise the court of any changes in his address. Tab #22. On November 19, 2007, the court's November 6th Order was returned as undeliverable. Tab #23.

Accordingly, IT IS RECOMMENDED that the above-styled case be **DISMISSED** *with prejudice* because of plaintiff's failure to prosecute the action and failure to comply with a court order. Pursuant to 28 U.S.C. §636(b)(1), the parties may serve and file written objections to this RECOMMENDATION with the district judge to whom this case is assigned **WITHIN TEN (10) DAYS** after being served with a copy thereof. The Clerk is directed to forward this order to the LAST ADDRESS provided by plaintiff.

SO RECOMMENDED this 20th day of NOVEMBER, 2007.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE